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Michael Linderman

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EXAMINER

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ART UNIT

PAPER NUMBER

2154

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,041

Applicant(s)

LINDERMAN, MICHAEL

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18, 41-48, 62, 66, 76 and 77 is/are allowed.
- 6) ☒ Claim(s) 19-40, 49-61, 63-65, 67-75 and 78-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-82 are subject to examination. Claims 1-18, 41-48, 62, 66, 76 and 77 are allowable.

Response to Arguments

2. Applicant's arguments filed 2/3/2006, pages 22-26 have been fully considered but they are not persuasive. Therefore, rejection of claims 19-40, 49-61, 63-65 and 67-75, 78-82 is maintained.

Applicant argues (1), "Since the Patent Office apparently lost the claims contained in the Preliminary Amendment filed on March 11, 2003, thereby resulting in the wrong claims being examined, the Examiner is respectfully reminded that any subsequent office action cannot be made final".

The examiner respectfully disagrees in response to applicant's arguments. The applicant's amendment to the claims dated 2/3/2006 is provided for examination after the previous non-final office action dated 10/04/2005 was issued. Further, the amendment to the claims dated 2/3/2006 contain limitations that has narrower scope compared to both the previously submitted claims i.e., on March 11, 2003 and July 9, 2001. Further, the amendment to the claims dated 2/3/2006 contain newly submitted limitations, "removing the HTTP portion of said HTTP-SOAP packet to produce a SOAP message", "encoding said SOAP messages to produce SOAP packets", "SOAP nomenclature", etc. The newly added limitations is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action),

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which is necessitated by the applicant's amendment. Therefore, the rejection is maintained, and hence, this office action is made final.

Applicant states (2), "The present invention is directed to a method and system utilizing the simple object access protocol (SOAP) to communicate over a communications link, such as the internet to a network element or similar application provided on a second side of a firewall. A translator box is provided on the same side of the firewall as a network element, and would be utilized to translate a SOAP packet into an appropriate command for the network element and then transmit this command to the network element. Prior to the translator box receiving a SOAP packet, a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) would be created and sent as a user request to a read/write server provided on this second side of the firewall after the HTTP portion of the HTTP-SOAP packet has been removed. The read/write server would then transmit the newly formed SOAP message to a network management agent (NMA) server which would build the appropriate nodal model of the user request. The NMA which is also provided on the second side of the firewall would send a SOAP encoded request to a network element agent (NEA) which would in turn transmit the SOAP encoded request to the translator box".

The examiner respectfully disagrees in response to applicant's statement. The independent claims 19, 26, 31, 49, 56, 69, 72 and 80-83 do not contain limitations that implement all the above-mentioned invention. The claimed limitations of the claims 19, 26, 31, 49, 56, 69, 72, 80-83 and their dependent claims is not limited to the above-mentioned invention

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and hence, therefore the rejection is maintained. (Please refer to the below rejections of this office action for the newly added limitations).

Applicant states (3), "Oberstein et. al. U.S. Publication 2002/0010803, Jan 24, 2002 (Hereafter Oberstein) does not include a translator box at all, and hence, the reference should not be used for rejection".

The examiner respectfully disagrees in response to applicant's statement. The Oberstein reference uses computer / adapter / gateway etc as the translator box and which can be used on either side of the firewall, e.g., paragraph 29, 32, 38, 39 and 53. The provisional application May 25, 2000 also discloses the concept of using these and other well-known entities of the framework (e.g., pages 5 – 30). Further, the specification of this application under prosecution, page 17, lines 25 – 35, clearly states, "It is noted that figures 1 and 2 show the use of the present invention sending user requests from a browser / application to a network/application through at least one firewall. Figure 5 indicates that the present application would also operate in a situation in which not firewalls are present. However, it is noted that all of the embodiments can operate with or without firewalls. Whereas the preferred form of the present invention has been shown and described herein, it should be realized that there can be many modifications, substitutions and alterations thereto". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

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3. The usage of SOAP-nomenclature, an applet, usage of a nodal model, usage of a network element agent (NEA), usage of a read/write server, usage of encoding steps as claimed, usage of building steps as claimed, single nodal transaction, translator box as claimed, etc., of the claimed invention are not disclosed in both the provisional applications 60/242,078 and 60/208045; hence, this application does not benefit the effective date as the provisional applications priority dates. (Note: this rejection of previous office action dated 10/04/2005 has been maintained. Applicants' remark pages 23 have been fully considered but it does not provide support for the above-mentioned limitations in the provisional applications).

Double Patenting

4. Applicant's acknowledgement of the double patenting rejection of previous office action dated 10/04/2005 with copending application 09/867,469 has been noted.

Specification

5. The specification does not provide reference numbers and the respective portions of the specification that support (i.e., how / when / by whom steps are implemented, etc.,) for each step of newly submitted figure 6.

Drawings

6. New corrected drawing is required in this application because figures 6 contain handwritten changes. Also the figure 6 does not contain reference numbers for each of the steps. Applicant is advised to employ the services of a competent patent draftsman outside the

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Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claim 82 is objected to because of the following informalities:

Claim 82 mentions, "said translator box locator", which should be --said translator box located --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 31, 32, 36, 78-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein et al., 6,457,066, Microsoft (Hereinafter Mein-Microsoft) in view of Oberstein et. al. U.S. Publication 2002/0010803, Jan 24, 2002 (Hereafter Oberstein), Maes, 6,970,935, IBM (Maes-IBM) and “Official Notice”.

10. As per claims 31, 78-82 Mein-Microsoft discloses a method for communicating between an application source (e.g., block 110, figure 2) located on a first side of a firewall (e.g., col., 3, lines 3 – 22) and a network element (e.g., col., 5, lines 1 – 12) located on a second side of the firewall (e.g., col., 3, lines 3 – 22), comprising the steps of:

providing the application source (e.g., block 110, figure 2) with an application to drive a user request (e.g., col., 4, lines 61 – 65), said application provided by a first device (e.g., col., 6, lines 7 – 22) included on the first side of the firewall (e.g., col., 3, lines 3 – 22);

sending said user request (e.g., col., 4, lines 61 – 65) to a server device (e.g., col., 5, lines 1 – 12) provided on the second side of the firewall(e.g., col., 3, lines 3 – 22);

creating a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) packet (e.g., col., 5, lines 13 – 26) of said user request;

transmitting said SOAP to a third server provided on the second side the application firewall (e.g., col., 4, lines 37 – 44, col., 5, lines 2 - 12);

building an appropriate model said user request (e.g., col., 6, lines 26 - 34);

sending SOAP encoded requests (e.g., col., 7, lines 9 – 26) to a software provided on the second side of the firewall (e.g., col., 7, lines 9 – 26);

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parsing said SOAP encoded requests (e.g., col., 7, lines 9 – 26) received by said software which encompasses data needed (e.g., col., 8, lines 2 – 10) to complete a request and response (e.g., col., 7, lines 33 – 39);

encoding in said software, said SOAP packets (e.g., col., 7, lines 9 – 26).

However, Mein-Microsoft does not specifically mention about usage of translator.

Oberstein discloses the concept of transmitting said SOAP packets to a translator box (e.g., paragraphs 32, 38 and 39), said translator box located on the second side of the firewall (e.g., paragraph 29);

translating said SOAP packet into the appropriate event (e.g., paragraphs 32, 38 and 39);
and

transmitting said event (e.g., paragraph 32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft with the teachings of Oberstein in order to facilitate transmitting the SOAP packets to a translator box located on the second side of the firewall, translating said SOAP packet into the appropriate event and transmitting said event because the translator box would enhance converting transmitted SOAP packets information into necessary protocol information. The event related information from the SOAP packets would be used for carrying out necessary task.

Mein-Microsoft and Oberstein do not specifically mention about usage of a device for removing the HTTP portion to produce a SOAP message.

Maes-IBM discloses well-known concept of using a device for removing the HTTP portion to produce a SOAP message (e.g., figure 12, col., 21, line 5 – col., 22, line 64) and means

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for transmitting the command to the network element over the world wide web and usage of SOAP nomenclature (e.g., figure 19, col., 23, line 28 – col., 24, line 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft and Oberstein with the teachings of Maes-IBM in order to facilitate usage a device for removing the HTTP portion to produce a SOAP message because the HTTP portion would not be transmitted to the receiver and only SOAP message would be required to be sent to the receiver entity.

Mein-Microsoft, Oberstein and Maes-IBM do not specifically mention about usage of the first device being a web server, the server device being a read/write server, the third server being network management application (NMA) server which can send requests to an agent, an applet as the application, usage of nodal model, single nodal transaction, and the event being command.

“Official Notice” is taken that both the concept and advantages of usage of the first device being a web server, the server device being a read/write server, the third server being network management application (NMA) server which can send requests to an agent, an applet as the application, usage of nodal model, single nodal transaction, and the event being command is well known and expected in the art. For example, Glitho discloses the concept of using nodal model, e.g., col., 3, lines, 21 – 28, col., 4, lines 6 – 16, col., 5, lines 27 – 32. Hite et al., 2003/0036917, Feb., 20, 2003 discloses usage of single nodal transaction, e.g., paragraph 17. Chang et al., 6,483,841, discloses usage of read/write server, col., 1, lines 15 – 24. Kekic et al., Fujitsu, 5,999,179, discloses usage of the third server being network management application (NMA) server which can send requests to an agent, col., 5, lines 49-60, col., 9, lines 54 – 65. Houben et al., 2002/0147745, Oct., 10, 2002, discloses the event being command, e.g.,

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paragraphs 200, 21. Rajarajan et al., U.S. Publication, 2002/0149601 discloses the concept of using an applet as the application, e.g., paragraph 128. Arteaga et al., 2002/0161826, Oct., 31, 2002, discloses the first device being a web server.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include usage of the first device being a web server, the server device being a read/write server, the third server being network management application (NMA) server which can send requests to an agent, usage of nodal model, an applet as the application, single nodal transaction, and the event being command with the teachings of Mein-Microsoft, Oberstein and Maes-IBM in order to facilitate usage of an applet, web server, read/write server, network management application server, nodal model, single transaction and the command because the usage of an applet, web server, read/write server, network management application server, nodal model, single transaction and the command because all these would enhance communicating between one element located on a first side of a firewall and second element located on a second side of the firewall. The applet would support providing the command. The web server, read/write server and network management application server would help support processing the command. The nodal model and single transaction would enhance handling the command information.

11. As per claims 32, Mein-Microsoft, Oberstein and Maes-IBM disclose the claimed limitations as rejected above. Mein-Microsoft also discloses providing said device / web browser at a localized location with respect to the application source / the web browser (e.g., figure 2).

12. As per claim 36, Mein-Microsoft, Oberstein and Maes-IBM disclose the claimed limitations as rejected above. Mein-Microsoft also discloses transmitting user request to a database for storage (e.g., col., 5, lines 2 - 12).

13. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein-Microsoft, Oberstein, Maes-IBM and "Official Notice" in view of Forth et al., 2004/0122833 (Hereinafter Forth).

14. As per claims 33, 34, Mein-Microsoft, Oberstein and Maes-IBM disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein and Maes-IBM do not specifically mention about handling of network element configuration data comprising port and card information.

Forth discloses the handling of network element configuration data comprising port and card information (e.g., paragraphs 58 and 59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein and Maes-IBM with the teachings of Forth in order to facilitate handling of network element configuration data comprising port and card information because the configuration data would support configuring the network element. The port and card information would provide information on which port and card needs to be configured.

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Mein-Microsoft, Oberstein, Maes-IBM and Forth do not specifically mention about handling of slot and shelf information.

“Official Notice” is taken that both the concept and advantages of handling of slot and shelf information is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include handling of slot and shelf information with the teachings of Mein-Microsoft, Oberstein, Maes-IBM and Forth in order to facilitate usage of slot and shelf information because the slot and shelf information would provide information on which slot and shelf needs to be configured.

15. Claims 35, 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein-Microsoft, Oberstein, Maes-IBM and “Official Notice” in view of Lee, 2002/0147746, Oct. 10, 2002 (Hereinafter Lee).

16. As per claim 35, Mein-Microsoft, Oberstein, Maes-IBM disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein, Maes-IBM do not specifically mention about modifying the user request prior to sending to the server.

Lee discloses modifying the user request prior to sending to the server (e.g., paragraph 181).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein, Maes-IBM with the teachings of Lee in order to facilitate modifying the user request prior to sending to the server because the

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modified user request would include modification information that is sent to the server. The server would support processing the user request along with the modification information.

17. As per claim 37, Mein-Microsoft, Oberstein, Maes-IBM and Lee disclose the claimed limitations as rejected above. Mein-Microsoft also discloses transmitting user request to a database for storage (e.g., col., 5, lines 2 - 12).

18. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein-Microsoft, Oberstein, Maes-IBM and “Official Notice” in view of Grant, 2002/0099738, July 25, 2002 (Hereinafter Grant).

19. As per claims 38, 39, Mein-Microsoft, Oberstein, Maes-IBM disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein, Maes-IBM do not specifically mention about usage of multiple servers and multiple translator boxes.

Grant discloses usage of multiple servers and multiple translator boxes (e.g., paragraphs 9-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein, Maes-IBM with the teachings of Grant in order to facilitate usage of multiple servers and multiple translator boxes because the multiple servers would enhance supporting multiple user requests. The multiple translator boxes would enhance converting transmitted packets information into necessary protocol information.

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20. As per claim 40, Mein-Microsoft, Oberstein and Maes-IBM disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein and Maes-IBM do not specifically mention about usage of appropriate command understood by the element / application.

Grant discloses appropriate command understood by the element / application (e.g., paragraphs 9 –13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein and Maes-IBM with the teachings of Grant in order to facilitate appropriate command understood by the element / application because the appropriate command would enhance supporting instructions to the element / application. The command information would be utilized for configuring the element / application.

21. Claims 19, 20, 26, 27, 49, 50, 56, 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein-Microsoft, Oberstein, Maes-IBM and “Official Notice” in view of "Simple Object Access Protocol (SOAP) 1.1", 08, May, 2000, Box et al., pages 1-35, (Hereinafter Box-SOAP).

22. As per claims 19, 20, 26, 27, 49, 50, 56 and 57, Mein-Microsoft, Oberstein and Maes-IBM disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein and Maes-IBM do not specifically mention about usage of HTTP-SOAP envelope.

Box-SOAP discloses usage of HTTP-SOAP envelope (e.g., page 7, lines 5 – 11, page 8, lines 9 –18, page 1, abstract).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein and Maes-IBM with the teachings of Box-SOAP in order to facilitate usage of HTTP-SOAP envelope because the HTTP-SOAP envelope would enhance supporting defining framework for expressing the message. The message information would be utilized for configuring the element.

23. Claims 21, 22, 28, 29, 51, 52, 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein-Microsoft, Oberstein and Maes-IBM, "Official Notice" and Box-SOAP in view of Cunningham et al., 6,219,786 (Hereinafter Cunningham).

24. As per claims 21, 22, 28, 29, 51, 52, 58 and 59, Mein-Microsoft, Oberstein, Maes-IBM and Box-SOAP disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein and Box-SOAP do not specifically mention about usage of protocol virtual machine.

Cunningham discloses usage of protocol virtual machine (e.g., col., 7, lines 15 – 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein, Maes-IBM and Box-SOAP with the teachings of Cunningham in order to facilitate usage of protocol virtual machine because the protocol virtual machine would enhance supporting piecing information together. The message information would be utilized for configuring the element.

25. Claims 23, 24, 53, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein-Microsoft, Oberstein, Maes-IBM, "Official Notice", Box-SOAP and Cunningham in view of Forth.

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26. As per claims 23, 24, 53 and 54, Mein-Microsoft, Oberstein, Maes-IBM, Box-SOAP and Cunningham disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein, Maes-IBM, Box-SOAP and Cunningham do not specifically mention about handling of network element configuration data comprising port and card information.

Forth discloses the handling of network element configuration data comprising port and card information (e.g., paragraphs 58 and 59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein, Maes-IBM, Box-SOAP and Cunningham with the teachings of Forth in order to facilitate handling of network element configuration data comprising port and card information because the configuration data would support configuring the network element. The port and card information would provide information on which port and card needs to be configured.

Mein-Microsoft, Oberstein, Maes-IBM, Box-SOAP, Cunningham and Forth do not specifically mention about handling of slot and shelf information.

“Official Notice” is taken that both the concept and advantages of handling of slot and shelf information is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include handling of slot and shelf information with the teachings of Mein-Microsoft, Oberstein, Maes-IBM, Box-SOAP, Cunningham and Forth in order to facilitate usage of slot and shelf information because the slot and shelf information would provide information on which slot and shelf needs to be configured.

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27. Claims 25, 30, 55, 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein-Microsoft, Oberstein, Maes-IBM, "Official Notice" and Box-SOAP in view of Lee.

28. As per claims 25, 30, 55 and 60, Mein-Microsoft, Oberstein, Maes-IBM and Box-SOAP disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein, Maes-IBM and Box-SOAP do not specifically mention about usage of command understood by the element / application.

Grant discloses command understood by the element / application (e.g., paragraphs 9 – 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein, Maes-IBM and Box-SOAP with the teachings of Grant in order to facilitate command understood by the element / application because the command would enhance supporting instructions to the element / application. The command information would be utilized for configuring the element / application.

29. Claims 61, 65, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein-Microsoft, Oberstein, Maes-IBM, and "Official Notice" in view of Lucovsky et al., 2003/0131073 (Hereinafter Lucovsky).

30. As per claims 61, 65, Mein-Microsoft, Oberstein and Maes-IBM disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein and Maes-IBM do not specifically mention about translating of the element / application command into a SOAP packet.

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Lucovsky discloses translating of the element / application command into a SOAP packet (e.g., paragraphs 155 - 157).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein and Maes-IBM with the teachings of Lucovsky in order to facilitate translating of the element / application command into a SOAP packet because the command would enhance supporting instructions provided by the element / application. The command information would be utilized for creation of the SOAP packet.

31. Claims 63, 64, 67, 68, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein-Microsoft, Oberstein, Maes-IBM, "Official Notice" and Box-SOAP in view of Lucovsky.

32. As per claims 63, 64, 67, 68, Mein-Microsoft, Oberstein, Maes-IBM and Box-SOAP disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein, Maes-IBM and Box-SOAP do not specifically mention about translating of the element / application command into a SOAP packet.

Lucovsky discloses translating of the element / application command into a SOAP packet (e.g., paragraphs 155 - 157).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein, Maes-IBM and Box-SOAP with the teachings of Lucovsky in order to facilitate translating of the element / application command into a SOAP packet because the command would enhance supporting instructions

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provided by the element / application. The command information would be utilized for creation of the SOAP packet.

33. Claims 69, 72 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein-Microsoft, Oberstein, Maes-IBM, and "Official Notice" in view of Eanes, U.S. Publication 2003/0005412.

34. As per claims 69, 72 and 75, Mein-Microsoft, Oberstein and Maes-IBM disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein and Maes-IBM do not specifically mention about usage of commercial.

Eanes discloses usage of commercial (e.g., paragraphs 12-14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein and Maes-IBM with the teachings of Eanes in order to facilitate transmitting of commercial to the element because the commercial information would be supported by the element.

35. Claims 70, 71, 73 and 74, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mein-Microsoft, Oberstein, Maes-IBM, "Official Notice" and Eanes in view of Cunningham and Lucovsky.

36. As per claims 70, 71, 73 and 74, Mein-Microsoft, Oberstein, Maes-IBM, "Official Notice" and Eanes disclose the claimed limitations as rejected above. However, Mein-Microsoft, Oberstein, Maes-IBM, "Official Notice" and Eanes do not specifically mention about usage of protocol virtual machine.

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Cunningham discloses usage of protocol virtual machine (e.g., col., 7, lines 15 – 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein, Maes-IBM and Eanes with the teachings of Cunningham in order to facilitate usage of protocol virtual machine because the protocol virtual machine would enhance supporting piecing information together.

Mein-Microsoft, Oberstein, Maes-IBM, Eanes and Cunningham do not specifically mention about translating a native command generated by the element / application into a HTTP-SOAP packet.

Lucovsky discloses translating a native command generated by the element / application into a HTTP-SOAP packet (e.g., paragraphs 155 - 157).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mein-Microsoft, Oberstein, Maes-IBM, Eanes and Cunningham with the teachings of Lucovsky in order to facilitate translating a native command generated by the element / application into a HTTP-SOAP packet because the command would enhance supporting instructions provided by the element / application. The command information would be utilized for creation of the SOAP packet.

Allowable Subject Matter

37. Claims 1-18, 41-48, 62, 66, 76 and 77 would be allowed if the double patenting rejection with copending application 09/867,469 is overcome by filling of the appropriate Terminal Disclaimer (as mentioned by the applicant, remark, dated 2/3/2006, page 23).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The

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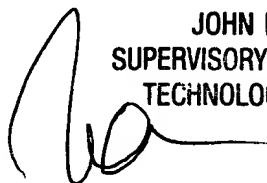
examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

April 25, 2006

 **JOHN FOLLANSBEE**
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100